

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MICHAEL PRINCE, JR.

PLAINTIFF

v.

CASE NUMBER: 4:13cv165-SA-JMV

**WASHINGTON COUNTY, MISSISSIPPI,
SHERIFF MILTON GASTON, in his Official Capacity,
LIEUTENANT MACK WHITE,
in his Individual and Official Capacity,
DEPUTY MARVIN MARSHALL,
in his Individual and Official Capacity, and
JOHN DOES 1-10**

DEFENDANTS

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION TO
DEEM REQUESTS FOR ADMISSIONS ADMITTED**

COMES NOW, the Plaintiff, Michael Prince, Jr., by and through counsel, and moves the Court for an order denying the Defendants' *Motion to Deem Requests for Admissions Admitted* (copy attached hereto for convenience), and responds to the Defendants' motion paragraph by paragraph as follows:

1. Plaintiff admits the contents of Paragraph 1 are true.
2. Plaintiff admits that the *Notice of Service of Discovery* appears as Docket Item 22 on the docket sheet, and also admits that the notice was received by Derek L. Hall, but specifically and adamantly denies that a physical copy of the discovery documents – namely the *Requests for Admissions* – purported by the *Notice of Service of Discovery* to have been sent via United States mail to both Derek L. Hall and J. Michael Duncan were ever received in any form whatsoever by either attorney. (See attached affidavits.)
3. Plaintiff admits the contents of Paragraph 3 are true.

4. Plaintiff admits the contents of Paragraph 4 are true, but would aver that while the referenced Certificate of Service certified that the requests were served on both counsels of record for the Plaintiff, that clearly the requests were not sent to the counsels as neither counsel ever received them.

5. Plaintiff admits that no responses to the Defendants' *Requests for Admissions* were ever received by the Defendants, but would reiterate that the Plaintiff never in fact received the *Requests for Admissions* to be able to respond to the requests.

6. Plaintiff opposes the relief sought by Defendants in Paragraph 6, as again, Plaintiff reiterates that no *Requests for Admissions* were ever received by either counsel for Plaintiff.

7. Plaintiff has no objection to the relief sought by the Defendants in Paragraph 7.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Court deny the Defendants' *Motion to Deem Requests for Admissions Admitted* and enter an order to that effect. Further, Plaintiff prays for any further relief to which he may be entitled.

RESPECTFULLY SUBMITTED, this the 13th day of February 2014.

MICHAEL PRINCE, JR.

/s/ Derek L. Hall
BY: DEREK L. HALL

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Derek L. Hall, do hereby certify that I have this day, electronically filed the foregoing document with the Clerk of the Court via the CM/ECF system and further, that I have sent a true and correct copy of the foregoing document via the CM/ECF system to the following:

P. Scott Phillips, Esq. – sphillips@campbelldelongllp.com
Andrew Tominello, Esq. – dtominello@campbelldelongllp.com

SO CERTIFIED this the 13th day of February 2014.

/s/ Derek L. Hall
DEREK L. HALL